

REMARKS

Claims 6 and 12-14 are currently pending in this application. Claims 6, 12-14 are rejected.

REJECTIONS UNDER 35 U.S.C.

§ 102(b)

Claims 6 and 12-14 are improperly rejected as anticipated by or, in the alternative, under §103(a) as obvious over Noel-Levitz (WWW.noellevitz.com, Newsletter archive, Grading and qualifying prospects, “winter 1998 (part 1) and spring 1998 (part 2).

The Office by omission from the rejection admits that Noel-Levitz does not disclose the limitations of “offering each candidate invited to submit a complete application an incentive to submit the full application.” Therefore, on its face, the anticipation rejection is improper and must be withdrawn. Furthermore, the rejection contains no teaching or suggestion to render this limitation obvious, thus an obviousness type rejection is also improper and must be withdrawn.

It is additionally clear from the Offices Rejection which states “Noel-Levitz does not explicitly provide a web sit containing links to a survey and to a partial application; assigning a unique access number (“PIN”) to each candidate in the target group: electronically mailing each candidate in the target group the assigned PIN and an invitation to use the PIN to access the web site; providing each candidate accessing the web site and indicating a continued interest in the educational institution with electronic

access to the partial application; for each candidate who electronically accesses the partial application” that Noel-Levitz can not anticipate Claim 12.

Furthermore, the Office, while recognizing the short comings of Noel-Levitz, states that because Noel-Levitz continually updates the prospective interest profile with each contact and qualifying codes help rate and track the prospect’s interest, it would be obvious to include all the features acknowledged to be absent in Noel Levitz above. This is a leap of logic and application of the law that the applicant finds difficult to comprehend.

How does updating the prospective interest profile and using qualifying codes to track and rate interest provide a teaching or suggestion for “assigning a unique access number (“PIN”) to each candidate” to render the limitation obvious?

How does updating the prospective interest profile and using qualifying codes to track and rate interest provide a teaching or suggestion for “electronically mailing each candidate in the target group the assigned PIN and an invitation to use the PIN to access the web site” to render the limitation obvious?

How does updating the prospective interest profile and using qualifying codes to track and rate interest provide a teaching or suggestion for “providing each candidate accessing the web site and indicating a continuing interest in the education institution with electronic access to the partial application” to render the limitation obvious?

Therefore, it is clear that a *prima facie* case of obviousness has not been made with respect to Claim 12.

In view of the above remarks, the Applicant has demonstrated that Noel-Levitz cannot anticipate nor render obvious Claim 12. The rejection must be withdrawn.

Claims 6, 13 and 14 contain similar limitations not found in Noel-Levitz as discussed above in reference to Claim 12 and therefore, the rejection of these Claims is also improper for at least the same reasons.

§ 103(a)

Claims 6 and 12-14 are improperly rejected as being unpatentable over Noel-Levitz (WWW.noellevitz.com), Newsletter archive, Grading and qualifying prospects, “winter 1998 (part 1) and spring 1998 (part 2) and Schillewaert, Neils, Langerak, fred; Duhamel, Tim, “Non-patentability sampling for WWW surveys: a comparison of methods,” Journal of the Market Research Society, October 1998).

The Office Acknowledges “Noel-Levitz does not explicitly provide a web sit containing links to a survey and to a partial application; assigning a unique access number (“PIN”) to each candidate in the target group: electronically mailing each candidate in the target group the assigned PIN and an invitation to use the PIN to access the web site; providing each candidate accessing the web site and indicating a continued interest in the educational institution with electronic access to the partial application; for each candidate who electronically accesses the partial application”

The Office attempts to correct these deficiencies with Schillewaert. The Office states that Schillewaert discloses the use of user password and ID information along with the survey invitation. However the Applicant submits that NOWHERE does Schillewaert disclose a unique user name and password for accessing the survey form. Schillewaert does not know the respondents and thus could not provide them with a unique password and ID.

The Office further states that because Schillewaert discloses a web based survey, discloses an email survey as a recruitment technique for attracting respondents, it would be obvious to add the features to Noel-Levitz. The Applicant again is unclear how to respond to such a leap. How are the claim limitations of electronically mailing each candidate in the target group the assigned PIN and an invitation to use the PIN to access the web site; providing each candidate accessing the web site and indicating a continued interest in the educational institution with electronic access to the partial application; for each candidate who electronically accesses the partial application made obvious by Schillewaerts limited and unrelated teachings?

Further where is the teaching for providing an incentive as recited in the claims.

The rejection is improper and must be withdrawn

Also Claims 6 and 12-14 are improperly rejected as being unpatentable over Noel-Levitz (WWW.noellevitz.com), Newsletter archive, Grading and qualifying prospects, “winter 1998 (part 1) and spring 1998 (part 2) and Thomas US Publication NO. 22/0002482.

The Office acknowledges the deficiencies of Noel-Levitz and uses Thomas in an attempt to correct these deficiencies. Even taking the Office's characterization of what Thomas discloses, the proposed combination still fails to provide disclosures for providing an incentive, and providing access to a partial application, or any limitation including a partial application.

Therefore the Office has failed to establish a *prima facie* case of obviousness and thus the rejection is improper and must be withdrawn.

The Applicant notes that in the Offices rejections, no distinction has been made between a "partial application" and a "full application" which is improper. The specification distinguished between the two as does obviously the claim language. Noel-Levitz does not disclose or teach a partial application, nor has the Office provided a showing. Any further Rejections made by the Office must state a basis for not considering the claims as written.

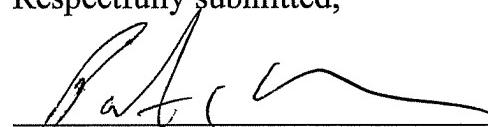
The Office has failed to demonstrate that Noel-Levitz discloses each and every feature and has failed to provide a *prima facie* case of obviousness. Each element recited in the claims have not been met by the references alone or in combination. The Applicants request withdrawal of the rejections, and if the rejections are maintained an element by element accounting of the claim terms in the cited art.

If the Examiner has any questions relating to this response or the application in general she is respectfully requested to contact the undersigned so that prosecution may be expedited.

Applicant believes that the present application is now in condition for allowance and such action is earnestly requested.

Should any additional fees be necessary in connection with the filing of this Response, or if a petition for extension of time is required for timely acceptance of the same, such a petition is made and the Office is authorized to charge such fees to **Deposit Account No. 04-1679.**

Respectfully submitted,



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